

## **REMARKS**

### **Status of the Claims**

- Claims 1-12 are pending in the Application.
- Claims 1-12 are rejected by Examiner.
- Claims 1 is amended by Applicant.

### **Claim Rejections Pursuant to 35 U.S.C. §112**

Claim 1 stands rejected under 35 U.S.C. § 112 as being indefinite via inclusion of the term "gradually evaluating". Applicant amends pending Claim 1 to remove the term "gradually evaluating". Reconsideration and withdrawal of the 35 USC §112 rejection is respectfully requested based on the amendment.

### **Claim Rejections Pursuant to 35 U.S.C. §103**

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,505,255 to Akatsu et al. (Akatsu) in view of U.S. Patent Publication No. 2002/010879 to Bouret et al. (Bouret). Applicant respectfully traverses the rejection via amendment.

Claim 1 is amended to clarify that the module actively searches for requested data upon a request from a home network device and evaluates content descriptions received in response to the search before matching the search results with the request from the home network device. This amendment finds support in the as-filed specification filed on 12/21/2004 as follows:

On page 4 lines 26-30:

"The search unit must on the one hand know the addresses of providers via which it can obtain data, and on the other hand it must be able to communicate with said providers and evaluate the received data."

On page 7, lines 15-19:

"The invention is particularly beneficial if the external network is the Internet. It is precisely in this network that numerous data are available which, however, first have to be found in order to be able to be used by the respective end user device."

On page 10, lines 11-14:

"The search unit 7 establishes contact with the providers 11, 12 and serves for finding the desired data in the external network 10."

On page 10, lines 23-27:

"For all the other devices 2, 3, 4 of the home network 1, insofar as they wish to access such data, the module 6 performs the task of finding corresponding data in the external network 10."

Bouret discusses a data communication system having at least one external service provider and an interface entity for receiving information regarding offers of service by the external service provider. The interface entity is arranged to process the offer information from the service providers and to accept some of the offers and register some of those services. The interface entity of Bouret registers services advertised from providers, and then the client is allowed to choose among registered services. The interface entity of Bouret processes a request by a client to search for a previously registered and accepted service that matches the request. If a matching service is located, the interface entity then requests the service from an external service provider. (See Bouret, paragraphs 0020, 0038, 0049). So, Bouret uses a three steps procedure for getting the services requested by the devices: first it registers the services, secondly it searches in the registered services for the service requested by the client, and thirdly it searches for the service provider providing the service.

By contrast, the Applicant invention does not generate a register of services for client use. One main advantage of this is to be able to get new services as soon as they are available without having to be in an active state as indicated by Bouret to update the registered services. Pending Claim 1 acts to actively search service providers directly for content requested by a device in the home network. Pending Claim 1 does not rely on a previously generated register of services as does the process in Bouret. In Applicant's invention, the requested content is found by actively searching a service provider in an external network and therefore always gathers up to date information about the content of an external network service provider.

Applicant respectfully submits that the amended aspect of searching a service provider in an external network in pending Claim 1 distinguishes the teachings of Bouret from the pending claims. Applicant respectfully submits that Bouret teaches away from active searching of a service provider in an external network because Bouret requires a registry of already known services available at a service provider. In distinction, the pending claims actively perform a search of a service provider in an external network when a request from a home network device is received by the search module. Thus, the present invention avoids a pre-existing registry of services as relied upon by Bouret.

Thus, Applicant respectfully submits that the combination of Akatsu and Bouret fails to teach or suggest the Claim 1 aspect of a conducting a search of at least one service provider in the external network upon a request for data content from a home network device.

Since the combination of Akatsu and Bouret fails to teach or suggest all aspects of independent Claim 1, then the combination of Akatsu and Bouret cannot render obvious pending Claim 1 under 35 USC §103(a) as well as their dependent Claims 2-12 per MPEP §2143.03. Thus, all pending claims patentably define over the cited art.

Applicant respectfully requests reconsideration and withdrawal of the 35 USC §103(a) rejections on Claims 1-12 in light of the arguments presented above.

### **Conclusion**

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration and withdrawal of all rejections of the pending claims. Applicant suggests that since the pending claims patentably define over the cited art, that reconsideration be provided for a Notice of Allowance of all pending claims.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,  
Ralf Kohler

Date: May 21, 2010

/Jerome G. Schaefer/  
Jerome G. Schaefer  
Attorney for Applicant  
Reg. No. 50,800  
(609) 734-6451

Thomson Licensing, LLC  
Patent Operations  
P.O. Box 5312  
Princeton, NJ 08543-5312